

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1887

1 WHEREAS, West Point, L.L.C. has submitted an application designated as
2 Special Permit No. 1887 for authority to construct 230,000 sq. ft. of Planned Service
3 Commercial uses, on property located at the northeast corner of N.W. 40th Street and
4 West O Street, and legally described to wit:

5 Lot 77 I.T. in the Southwest Quarter of Section 20, Township
6 10 North, Range 6 East of the 6th P.M., Lancaster County,
7 Nebraska;

8 WHEREAS, the real property adjacent to the area included within the site
9 plan for this commercial development will not be adversely affected; and

10 WHEREAS, said site plan together with the terms and conditions hereinafter
11 set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal
12 Code to promote the public health, safety, and general welfare.

13 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
14 Lincoln, Nebraska:

15 That the application of West Point, L.L.C., hereinafter referred to as
16 "Permittee", to construct 230,000 sq. ft. of Planned Service Commercial uses, on the
17 property legally described above, be and the same is hereby granted under the provisions
18 of Section 27.63.470 of the Lincoln Municipal Code upon condition that construction and
19 operation of said commercial space be in strict compliance with said application, the site
20 plan, and the following additional express terms, conditions, and requirements:

1 1. This permit approves a Planned Service Commercial area with
2 230,000 square feet of commercial uses and the following waivers:

3 a. Sidewalks on the north side of West O Street and the east side
4 of N.W. 40th Street.

5 b. Front yard setbacks from 50 feet to 17.5 feet measured from
6 the curb line on W. Cavalry Court; a front yard setback along
7 the east side of N.W. 40th Street on Lot 4 from 50 feet to 33
8 feet; and a front yard setback from 50 feet to 25 feet along
9 Interstate 80.

10 c. Side yard setbacks between interior lots from 20 feet to 10
11 feet.

12 2. Before receiving building permits:

13 a. The construction plans must conform to the approved plans.

14 b. Final plats within the area of this special permit must be
15 approved by the City.

16 3. Before occupying the buildings all development and construction must
17 be completed in conformance with the approved plans.

18 4. All privately-owned improvements must be permanently maintained
19 by the Permittee or an appropriately established property owners association approved by
20 the City Attorney.

21 5. The site plan approved by this permit shall be the basis for all
22 interpretations of setbacks, yards, locations of buildings, location of parking and circulation
23 elements, and similar matters.

1 6. The terms, conditions, and requirements of this resolution shall be
2 binding and obligatory upon the Permittee, its successors, and assigns. The building
3 official shall report violations to the City Council which may revoke the special permit or
4 take such other action as may be necessary to gain compliance.

5 7. The Permittee shall sign and return the City's letter of acceptance to
6 the City Clerk within 30 days following approval of the special permit, provided, however,
7 said 30-day period may be extended up to six months by administrative amendment. The
8 City Clerk shall file a copy of the resolution approving the special permit and the letter of
9 acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the
10 Permittee.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant

Approved this ____ day of _____, 2001:

Mayor